

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 689
Case No. 90-3C
(PUD & Map - Conference Center)
March 11, 1991

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on December 3, 1990. At that hearing session, the Zoning Commission considered the application of the Conference Center Associates Limited partnership and the District of Columbia Office of Business and Economic Development (OBED). The application, as amended, requested consolidated review and approval of a Planned Unit Development (PUD) and related amendment to the Zoning Map of the District of Columbia, pursuant to Chapter 24 and Section 102, respectively, of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The original application, which was filed on March 16, 1990, requested an amendment to the Zoning Map from unzoned property to C-2-B for parcel 121/31 located at the northwest corner of the intersection of Michigan Avenue and Irving Street, N.E.
2. On April 16, 1990, at its regular monthly meeting, the Zoning Commission authorized the scheduling of public hearing on the original application. The Commission, however, determined that it would also consider R-5-A as a zoning alternative.
3. By letter dated April 25, 1990, the applicants informed the Commission that it would be amending the application to include a request for review and approval of a PUD.
4. On May 23, 1990, the applicants amended the original application and filed for consolidated review and approval of a PUD and related map amendment from unzoned property to C-2-A. On August 6, 1990, the Commission authorized a public hearing on the revised application.
5. The instant application, as amended, proposes to construct a conference/training center development with guest rooms to primarily serve the needs of the surrounding institutional community.
6. The PUD site consists of approximately 5.48 acres of land and

is improved with a parking lot. The site is commonly known as the "fringe parking lot" because, until the opening of the Metrorail in the 1970's, the site was used for commuter parking. Once this use became obsolete, the District of Columbia Government sought ways to improve its usefulness and solicited proposals for appropriate uses at the site.

7. The PUD site is unzoned and is owned by the Federal Government. The Federal Government transferred jurisdiction over the site to the District of Columbia in 1959. General Services Administration (GSA) entered into a Statement of Non-Disturbance, dated March 7, 1990, for the development of the site for the uses proposed in the application.
8. By memorandum dated November 13, 1990, the District of Columbia Office of the Corporation Counsel determined that the District had adequate authority to file an application with the Commission. By letter dated November 29, 1990, GSA expressly authorized the District of Columbia to act as its agent in the application before the Commission.
9. The Conference Center Associates Limited Partnership (CCA) consists of a partnership including Catholic University of America (CUA), Medlantic Properties, Inc., a subsidiary of Medlantic Healthcare Group, Inc., Theodore F. Mariani, Manuel Fernandez and Delano Lewis.
10. The District of Columbia Government entered into a development agreement, dated November 9, 1989, with CCA for the development of a conference/training center with guest rooms at the site.
11. Pursuant to the Development Agreement, OBED has ongoing design review and approval authority over the life of the proposed development. CCA will enter into a long-term lease with the District of Columbia Government for the site development.
12. The C-2-A District permits matter-of-right low density development, including office, retail and all kinds of residential uses, to a maximum FAR of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses.
13. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a first-state PUD. The Commission may also impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that

are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment (BZA).

14. The District of Columbia Generalized Land Use Map Element of the Comprehensive Plan for the National Capital identifies the PUD site as being in a mixed-use medium density residential and institutional category.
15. The land uses in the vicinity of the PUD site are primarily institutional and residential. There is a small neighborhood-serving commercial node adjacent to and west of the PUD site. Those area uses include the Shrine of the Immaculate Conception to the east of the site and significant residential uses to the west of and the same square as the PUD project, including "The Cloisters" and "Park Place" developments.
16. The surrounding educational and healthcare institutions provide the market for the project. Catholic University, Trinity College, the National Conference of Catholic Bishops/U.S. Catholic Conference headquarters building, the Washington Hospital Center, Children's Hospital, the Veteran's Administration Hospital, U.S. Soldier's and Airmen's Home and the National Rehabilitation Hospital are all within a one-mile radius of the PUD site. These institutions, and their visitors and guests represent the major users of the facilities.
17. The applicants propose to construct a conference/training center with a maximum FAR of 1.42, a maximum lot occupancy of forty-five (45) percent, a maximum height of sixty-five (65) feet/five (5) stories, and 237 on-site parking spaces. The project will include the following:
 - a. A cluster of conference rooms, including a major meeting/banquet space to seat 400 persons;
 - b. 200 guest rooms in Phase I to be expanded to up to 300 room in Phase II;
 - c. Year-round recreational facilities, including a health club, swimming pool, and tennis court, to serve the conference facility; and
 - d. Support facilities, including administration, food service, and housekeeping.
18. The proposed PUD will be developed in two phases depending on market conditions. The first phase will provide all parking at grade including 157 spaces). A two-level eighty (80) space parking structure is planned for the second phase. The

recreational facilities will be used for therapeutic as well as sports purposes. The typical conferences will last for two to three days.

19. The proposed design is a moderate scale project that has been broken down into smaller elements that are low-rise nearest the streets and increase to a mid-rise building at the center of the site. The conference center is sited approximately in the center of the site with its primary orientation and access fronting on Irving Street, N.E. The mass adjacent to the residential uses to the west is intentionally low. The facades are articulated with various size windows and with materials to emphasize the horizontal nature of the design.
20. The project materials will be tan buff stucco/masonry with red hue tile-styled roofs. The design of the roofs has been revised to respond to an early concern of the District of Columbia Department of Housing and Community Development.
21. The applicants propose to landscape the entire Michigan Avenue and Irving Street frontages as well as the areas adjacent to the building elements.
22. The applicants indicated that an institutional use is the most appropriate use for the site. Institutional is more appropriate than residential use for the following reasons:
 - a. The configuration of the site;
 - b. Its frontage on heavily travelled arterial streets;
 - c. The needs and desires of the surrounding community;
and
 - d. The substantial economic benefits for the District of Columbia.
23. These benefits include a community education and training program, which would consist of course offerings on subjects such as drug abuse prevention, prenatal care and parenting. Courses will draw upon the expertise of the staff of Medlantic Hospitals and the faculty, staff and students of CUA. Programs will be offered free of charge to the community.
24. The proposed conference center will create between 150 and 200 permanent jobs; an executed Minority Business Opportunity Commission Memorandum of Understanding, dated April 30, 1990; a Department of Employment Services First Source Agreement, dated December 29, 1989; a Community Participation Program, dated January 9, 1990, designed to inform and involve the

community throughout all phases of the project; an Affirmative Action Plan approved by the Department of Human Rights on February 12, 1990 to assure non-discrimination in all aspects of the proposed development; attractive and sensitive site planning; and the availability of meeting space for Advisory Neighborhood Commissions (ANC) 4D and 5C for monthly meetings on an as-available basis.

25. The applicants stated that the proposed development is consistent with the Comprehensive Plan for the National Capital, and will further the District's land use, economic development, urban design, environmental protection and transportation elements of the Plan.
26. The applicants further stated that the proposed PUD results in the efficient and economical utilization of the site, attractive urban design, provision of desired public spaces and adequately assures protection of the public health, safety, welfare and convenience of District residents.
27. The applicants concluded that the proposal will not create dangerous or otherwise objectionable traffic conditions and will not adversely impact parking or traffic flow on the surrounding streets.
28. The District of Columbia Office of Planning (OP), by memorandum dated November 23, 1990 and by testimony presented at the public hearing, recommended that the application be approved with C-2-A zoning for the site. OP believes that the proposal is not inconsistent with the Comprehensive Plan, is consistent with the residential and institutional character of the area, and would provide needed services to the adjacent institutions.
29. The District of Columbia Metropolitan Police Department (MPD), by letter dated November 2, 1990, recommended that the applicants follow certain physical security protection measures. MPD had no objection to the application.
30. The District of Columbia Department of Recreation and Parks (DRP), by memorandum dated October 16, 1990, fully supported the zoning and PUD concept for the conference center. DRP applauded the applicants' commitment to provide indoor and outdoor recreational facilities to service the conference center, but recommended that the recreational facilities be included in Phase I construction.
31. The District of Columbia Fire Department (DCFD), by memorandum dated October 24, 1990, stated that the proposal does not appear to create any major or undue hardships on the daily

operations of the DCFD. DCFD had no objection to the proposal, provided the applicants comply with the applicable life safety provisions of the District of Columbia Construction Codes in effect on the date of the permit application.

32. The District of Columbia Department of Housing and Community Development (DHCD), by letter dated November 14, 1990, supported the application. DHCD's architectural review panel reviewed the project and unanimously supported the overall design scheme. DHCD recommended that alternate roof lines be considered by the applicants, in order to be consistent with roof treatments in the area.
33. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated November 16, 1990, had no objections to the project. DFR noted that the proposed conference center would generate revenue to the District of Columbia through hotel taxes, lease payments and income taxes.
34. The District of Columbia Department of Public Works (DPW), by memorandum dated November 23, 1990, indicated the following:
 - a. That the PUD site is conveniently located with respect to public transportation facilities;
 - b. That the proposal will have a negligible traffic impact on the key intersections surrounding the PUD site;
 - c. That the loading facility is adequate for the project;
 - d. That the access and circulation plan was adequate, subject to some operational changes agreed upon by DPW and the applicants;
 - e. That water and sewer facilities are adequate; and
 - f. That the applicants will have to comply with storm water runoff control measures.
35. Advisory Neighborhood Commission 4D, by letter dated September 20, 1990 and by testimony presented at the public hearing, supported the application because the proposal will provide fiscal, social, and environmental improvements to the area and city.
36. Single Member District Commissioner - 5C04 testified in support of the proposal at the public hearing.
37. Letters in support of the proposal were received from the

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Deputy Mayor for Economic Development dated October 4 and December 3, 1990; the United States Catholic Conference dated November 20, 1990; and Councilmember Harry L. Thomas (Ward 5) dated April 9, 1990.

38. No letters nor testimony in opposition to the proposal were received.
39. In addition to the participation and support by ANC 4D and ANC 5C, members of ANC 4D and 5C joined with the applicants to create a Steering Committee to review the proposed development. As a result of negotiations between the community and the applicants, CCA agreed to provide additional amenities for the community as set forth in the November 15, 1990 "Conference Center Development" Agreement, as shown in Exhibit No. 60 of the record and summarized as follows:
 - a. Free adult education program for the community;
 - b. On-site job training program for the community;
 - c. Job opportunities for the community;
 - d. Qualified Ward 4 and 5 businesses would be afforded an opportunity to bid on all service and construction contracts. As long as their bids are competitive, local businesses will be given priority;
 - e. Meeting room space for meetings of ANC 4D and 5C will be available for monthly meetings on a scheduled, as available basis, free of charge;
 - f. The applicants will contact various District agencies to encourage them to work with the community to deal with priority issues such as housing;
 - g. The developer will limit access to the site during construction;
 - h. The applicant will provide copies of its traffic study to the Steering Committee and will work with DPW to finalize its plan; and
 - i. The Steering Committee will have an on-going function as the communication network between the developer and the community.
40. The Commission finds that the aforementioned amenities, as summarized in Findings of Fact No. 39, to be significant, substantive and one of the major reasons for favorable

consideration of the application.

41. As to the concern of DHCD about alternative roof lines, the Commission finds that the applicants have adequately addressed that concern in their revised application.
42. As to the concern of DRP about providing the recreational facilities in Phase I of the construction, the Commission finds that the proposed phasing plan of the applicant is reasonable.
43. The Commission concurs with the recommendation and/or the position of OP, MPD, DRP, DCFD, DHCD, DFR, DPW, ANC-4D and others and finds that the PUD proposal is the most appropriate use for the site.
44. The Commission further finds that housing would not be an appropriate use on the site due to the site's constraints, the predominance of existing housing in the block in which the site is located, the surrounding street system, and the needs of the institutional community for a conference/training center with guest rooms.
45. The Commission finds that the applicants have satisfied the intent and purpose of Chapter 24 of DCMR, Title 11, Zoning.
46. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by letter dated March 7, 1991 indicated that the proposed action of the Zoning Commission to approve the PUD with conditions would not adversely affect the Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations.
3. The development of the project is compatible with District-wide and neighborhood goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital, as amended.
5. The approval of the application is consistent with the purposes of the Zoning Act (Act of June 20, 1938. 52 stat. 898) and the Zoning Map of the District of Columbia, by furthering the general public welfare and serving to stabilize and improve the area.
6. This application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community or the District.
7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Zoning Commission has accorded ANC 4D the "great weight" to which it is entitled.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders that Parcel 121/31 be zoned C-2-A and that the consolidated review of a PUD for the property located at the northwest corner of the intersection of Michigan Avenue and Irving Street, N.E. is APPROVED. The PUD approval is subject to the following guidelines, conditions and standards:

1. The site shall be developed with a conference/training center, in accordance with the plans prepared by the architectural firm of Mariani & Associates, part of the record in this case as Exhibits 27 and 44B as modified by the guidelines, conditions and standards of this order.
2. The maximum height of the project shall not exceed 65 feet, excluding roof structures. The maximum floor area ratio shall not exceed 1.42 FAR, excluding roof structures.
3. The lot occupancy shall not exceed 45 percent.
4. Landscaping shall be provided as shown on the plans submitted in the record by the applicants.
5. Antennas shall be permitted on the roofs of the buildings

subject to the regulations in effect at the time the antennas are to erected.

6. The applicants shall provide 3 loading berths and 1 service delivery space.
7. The applicants shall provide 157 parking spaces at grade as part of the Phase I development. The Phase II development will include an additional 80 parking spaces for a total of 237 parking spaces on the site. A portion of the parking spaces in Phase II will be contained in a parking structure.
8. The project may be developed in two phases. Each phase may be completed in one or more stages.
9. The building uses shall consist of a conference/training center with guest rooms. There shall be a maximum of 200 guest rooms in Phase I. There shall be up to an additional 100 guest rooms and support and administrative facilities in Phase II for a maximum total of 300 guest rooms.
10. Project materials shall be tan buff stucco/masonry with red hue tile-styled roofs.
11. The applicants shall be required to provide the following amenities as detailed in the "Conference Center Development" Steering Committee Agreement, and marked as Exhibit No. 60 of the record.
 - a. Health and education programs for the community with course topics selected with the community. Course topics under consideration include, but are not limited to, business and job skills, health care issues, basic education and remedial reading;
 - b. On-site job training for entry level positions and for those individuals seeking employment advancement at the site;
 - c. Qualified Ward 4 and Ward 5 residents shall have priority in obtaining employment opportunities at the site consistent with the executed First Source Agreement;
 - d. Qualified Ward 4 and Ward 5 businesses shall be afforded an opportunity to bid on all service and construction contracts. As long as their bids are responsive and competitive, local businesses will be given priority;
 - e. Meeting room space for ANC 4D and 5C shall be available for monthly meetings on a scheduled, as-available basis,

free of charge;

- f. Contact various District agencies to encourage them to work with the community to deal with priority issues such as housing;
 - g. Limit access to the site during construction. There will be limited access along Michigan Avenue, N. E., during construction;
 - h. Provide copies of its traffic study and work with the Department of Public Works in finalizing its plans; and
 - i. A community Steering Committee will have an on-going function as the communication network between the applicants and the community.
12. The applicants shall abide by the executed Department of Employment Services First Source Agreement, Minority Business Opportunity Commission Memorandum of Understanding, Affirmative Action Plan and Community Participation Plan.
13. The applicants shall have the flexibility on the final detailing of the proposed building as follows:
- a. Change the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, location of elevators, electrical and mechanical rooms, so long as the variations do not significantly change the exterior configuration of the building including the penthouse;
 - b. Make minor adjustments in the facade window detailing;
 - c. Vary the final location and type of exterior lighting and landscaping so long as the changes do not significantly affect the character of the project;
 - d. Vary the final selection of exterior materials within the color ranges and material types proposed, based on availability at the time of construction, subject to Condition No. 14 of this order;
 - e. Change the location of parking spaces, including handicapped spaces, to accommodate the project phasing and to permit structured parking, provided that a total of 237 parking spaces is provided for the project;
 - f. Increase the number of parking spaces provided in Phase I and Phase II, subject to Condition No. 14 of this

order;

- g. Vary the location of guest room-related facilities, including commercial adjuncts, exhibit spaces, function rooms, guest room areas, and service areas provided in the project, depending on market conditions so long as the variations do not change the exterior configuration of the building, subject to Condition No. 14 of the order;
 - h. Combine guest rooms (so as to retain the flexibility to provide larger suites) in response to market conditions;
 - i. Vary the location of approved uses in Phase II of the project to allow up to an additional 100 guest rooms (for a total of no more than 300 rooms) and related institutional space, such as additional meeting and conference rooms and administrative space, so long as the variations do not change the exterior configuration of the building, subject to Condition No. 14 of this order;
 - j. Permit Phase I and II to be completed in one or more stages, the timing to be determined by market conditions; and
 - k. Make design and other modifications to conform to the requirements of the D.C. Office of Business and Economic Development; subject to Condition No. 14 of this order.
14. No building permit shall be issued until the applicants have received final approval by the Zoning Commission for Conditions No. 13 (d, f, g, i and k). The Zoning Commission may determine to grant final approval without having a further public hearing.
15. The amendment to the Zoning Map from unzoned property to C-2-A for the PUD site shall be effective upon recordation or a PUD covenant, pursuant to 11 DCMR 2407.
16. No building permit shall be issued for the project until the applicants have recorded a covenant in the land records of the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.
17. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of DCRA until the

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applicants have filed a certified copy of said covenant with the records of the Zoning Commission.

18. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for a building permit as specified in Sub-section 2407.1 and 2406.8, DCMR, Title 11. Construction shall start within three years of the effective date of this Order.
19. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Acts of 1977, the applicants are required to comply fully with the provisions of D.C. Law 2-38 as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicants fail to comply with any provisions of D.C. Law 2-38, as amended.


Vote of the Zoning Commission taken at the public hearing on December 3, 1990: 4-0 (William L. Ensign, Lloyd D. Smith, Maybelle Taylor Bennett and Tersh Boasberg, to approve the PUD and C-2-A with conditions - John G. Parsons, not having participated in the case).

This order was adopted by the Zoning Commission at the public meeting on March 11, 1991 by a vote of 4-0 (Lloyd D. Smith, Tersh Boasberg, William L. Ensign and Maybelle Taylor Bennett, to adopt as amended - John G. Parsons, not voting not having participated in the case).

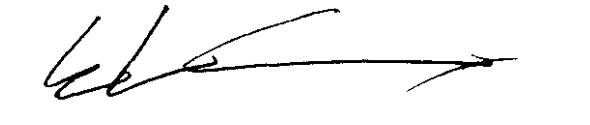
In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is,

on MAR 29 1991.

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MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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